

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

SCOTT THORNTON,

Plaintiff,

vs.

Cause No. _____

**GEO GROUP, INC.; NEW MEXICO
CORRECTIONS DEPARTMENT;
GREGG MARCANTEL, SECRETARY
OF CORRECTIONS; WALTER
COOPER, PROGRAMS WARDEN;
DWAYNE BURRIS; L. ELIZONDO,
GRIEVANCE OFFICER; SGT. FELTS;
KEEFE COMMISSARY SALES, JAMES
JANECKA, DEPUTY WARDEN BEAIRD,
CAPTAIN CONDARCO, LT. PLY,
OFFICER GONZALES, SGT. GOMEZ,
I. MALDONADO, RECREATION
DIRECTOR FELTS, ELLEN GONZALES,
SEAN SHANNON, JERRY ROARY,
LARRY PHILLIPS AND VALERIE NAEGLE, ET AL.,**

Defendants.

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1441(b) and 1446, Defendants James Janecka, Deputy Warden Beaird, Captain Condarco, Officer Gonzales, Sergeant Gomez, I. Maldonado, and Recreation Director Felts give Notice of Removal to this Court of the civil action filed in the First Judicial District for the State of New Mexico, County of Santa Fe, Cause No. D-101-CV-201302834, by Scott Thornton, *pro se*. As grounds for removal, Defendants states the following:

1. On September 19, 2014, Plaintiff Scott Thornton filed his Supplemental Complaint with the First Judicial District Court. A copy of the Supplemental Complaint is attached hereto as Exhibit A.

2. On September 26, 2014, Defendants former Warden James Janecka, Deputy Warden Beaird, Captain Condarco, Officer Gonzales, Sergeant Gomez, I. Maldonado, and Recreation Director Felts waived service of process of the Supplemental Complaint.

3. This Notice of Removal is timely filed within thirty days after the service of Plaintiff's Supplemental Complaint.

4. Pursuant to 28 U.S.C. § 1446(d), copies of the Notice of Removal will be promptly given to all adverse parties and a copy of the Notice of Removal will be filed with the Clerk of the First Judicial District Court, County of Santa Fe, State of New Mexico.

5. The claims stated against these Defendants in this case are subject to the jurisdiction of this Court pursuant to 28 U.S.C. § 1331 because Plaintiff asserts federal constitutional claims.

6. Defendants GEO Group, Inc., Warden Cooper, D. Burris, L. Elizondo, and Sgt. Felts consent to removal. (Exhibit B). Defendants New Mexico Corrections Department, Secretary Marcantel, Ellen Gonzales, Sean Shannon, Jerry Roary, Larry Phillips and Valerie Naegle consent to removal. (Exhibit C). Keefe Commissary never appeared in the state court action. Defendant Lt. Ply has not been served.

7. A Civil Cover Sheet is attached as Exhibit D.

Respectfully submitted,

YENSON, ALLEN & WOSICK, P.C.

/s/ April D. White

April D. White

Attorneys for Defendants GEO Group, Inc.,

Cooper, Burris, Elizondo, Sgt. Felts, Janecka, Beaird,

Condarco, Gonzales, Gomez, Maldonado and RD Felts

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I hereby certify that a true copy of the foregoing pleading was mailed to:

Scott M. Thornton #44558
Lea County Correctional Facility
6900 W. Millen Dr.
Hobbs, NM 88244
Plaintiff pro se

and served electronically upon:

Michelle Bowdon, Esq.
New Mexico Corrections Department
P.O. Box 27116
Santa Fe, NM 87502
***Attorneys for NMCD, Marcantel,
Ellen Gonzales, Sean Shannon,
Jerry Roark, Larry Phillips and Valerie Naegle***

on this 3rd day of October, 2014.

/s/ April D. White

April D. White